



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 8993-97

16 December 1999

MAJ [REDACTED] USMCR RET
[REDACTED]
[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by Headquarters Marine Corps dated 5, 16, and 20 March 1998, the letter from the Deputy Naval Inspector General for Marine Corps Matters/Inspector General of the Marine Corps, dated 6 April 1998, and the memorandum for the record dated 13 December 1999, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinions.

The Board found paragraph 4 of the advisory opinion dated 20 March 1998 applicable in concluding that your failure by the Fiscal Year (FY) 1999 Reserve Lieutenant Colonel Selection Board should stand. They did not agree with the recommendation, in the advisory opinion dated 16 March 1998, to modify the contested service record page 11 entry dated 12 July 1992. They found that an officer could properly obtain guidance from individuals junior in grade; and they considered the error, if any, was not a material matter warranting correction in the record of a retired officer. They were unable to find that you were placed on weight control as an act of reprisal to force you out of your unit, or that your command took this action without considering pertinent information. While your record does not reflect that you were afforded an opportunity to rebut the contested adverse page 11 entry dated

8993-97

13 October 1993, they found this to have been a harmless error in light of the documentation in your record of your board of inquiry and your removal from the report of the FY 1997 Reserve Lieutenant Colonel Selection Board.

In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures

Copy to:
The Honorable Dianne Feinstein



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

8993-97

IN REPLY REFER TO:

1400

JAM3

05 MAR 1998

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR THE CORRECTION
OF NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF MAJOR KENNETH [REDACTED]
[REDACTED] USMCR

1. We are asked to provide an advisory opinion on whether BCNR should remove evidence of Petitioner's Board of Inquiry (BOI) from his permanent record. We conclude there is no error or injustice regarding Petitioner's BOI and that no corrective action is warranted. We also conclude that although a California municipal court later "expunged" Petitioner's misdemeanor conviction, "expungement" does not remove the fact of Petitioner's conviction; nor does "expungement" change the nature of Petitioner's conduct. Finally, we conclude that Petitioner had an appropriate opportunity to respond to the removal action and that his response received due consideration. Consequently, Petitioner's complaints in these areas are without merit.

2. Background

a. Until 1992, Petitioner was employed as a crime analyst with the Redondo Beach Police Department. In that capacity, Petitioner had access to computerized criminal history data. Due to the sensitivity of this material, California state law makes it a misdemeanor to disclose the information to unauthorized persons. See Cal. Penal Code § 11143 (West 1998). Unauthorized disclosure was also contrary to Redondo Beach Police Department rules.

b. In April 1992, Petitioner became the subject of an internal police department investigation. The investigation led the department to fire Petitioner. It also resulted in Petitioner being charged with eight misdemeanor counts before a California municipal court: improper disclosure of criminal histories to unauthorized personnel (two counts), unlawful access of computerized data, impersonating a police officer (four counts), and attempted extortion (Petitioner allegedly threatened to "arrest" an individual if he did not settle a debt with Petitioner's associate). Pursuant to a plea agreement, on 14 September 1992, Petitioner pled guilty to one count of furnishing criminal history information to an unauthorized person. He was sentenced to 2 years of probation, a fine of \$1,430.00, and 200 hours of community service. The remaining counts were dismissed.

Subj: ADVISORY OPINION IN THE CASE OF MAJOR [REDACTED]
[REDACTED] USMCR

c. When Petitioner's command became aware of the investigation and civilian conviction, they initiated administrative separation proceedings. The alleged bases for Petitioner's separation were (1) misconduct, as evidenced by Petitioner's civilian conviction, and (2) substandard performance, based on Petitioner's failure to demonstrate acceptable qualities of leadership. On 27 July 1993, a Board of Inquiry determined, unanimously, that sufficient evidence supported both grounds for separation. By a 2-1 vote, however, the BOI recommended that Petitioner be retained. The Report of the BOI has been properly included as adverse matter in Petitioner's permanent service record.

d. On 17 December 1996, Petitioner applied to the Municipal Court, Los Angeles, California, to have his misdemeanor conviction expunged. California Penal Code Section 1203.4 (West 1998) allows those who have successfully completed their probation to petition the court to have their guilty pleas set aside and cases dismissed. Petitioner's motion was granted, his guilty plea was set aside, and his case was dismissed. On 4 February 1997, a copy of Petitioner's undated court expungement order was added to Petitioner's removal package then awaiting SecNav action.

e. On 30 April 1997, based on the circumstances described above, the President removed Petitioner's name from the FY97 Marine Corps Lieutenant Colonel Reserve Selection Board Report.

3. Removal of References to the BOI and its Findings

a. Petitioner alleges that any references in his record to "substandard performance of military duties, failure to demonstrate acceptable qualities of leadership, dereliction of duties by wrongfully disclosing 'sensitive material'" should be removed. Petitioner asserts that these references are "inconsistent with his performance evaluations and present an erroneous perception of military occupational misconduct."

b. Substandard performance was one of the two bases of Petitioner's administrative separation proceedings. Paragraph 1a of enclosure (3) to SECNAVINST 1920.6A defines substandard performance:

Substandard Performance of Duty. Inability of an officer to maintain adequate levels of performance or conduct as evidenced by one or more of the following reasons:

Subj: ADVISORY OPINION IN THE CASE OF MAJOR [REDACTED]
2 [REDACTED] USMCR

- (1) Failure to demonstrate acceptable [REDACTED]
of leadership required of an officer of the
member's grade.

c. Petitioner implies that the BOI could review only that conduct which was recorded in his performance evaluations. On the contrary, a reserve officer's conduct in the civilian community can indicate a lack of leadership so grave as to question whether the individual should be allowed to continue his association with the military reserves. That is the situation in Petitioner's case. The BOI concluded that appellant's misconduct in his civilian job with the Redondo Beach Police Department so violated the trust placed in him by the department, and the citizens it represented, that it indicated a lack of integrity and attention to duty expected of a major of Marines. The BOI's unanimous finding that "[REDACTED] performance of duty was substandard as evidenced by a failure to demonstrate acceptable qualities of leadership required of an officer in his grade" is well supported by evidence. Consequently, references to substandard performance in Petitioner's permanent record were appropriate and should not be removed.

d. Petitioner's argument to remove any reference of his being "derelict in his performance of his duties by wrongfully disclosing sensitive material" is equally flawed. This BOI finding referred to Petitioner's misconduct in his civilian job, not to actions in Petitioner's reserve military billet. Petitioner had a clear duty under California law and police department rules not to disclose the criminal history information to unauthorized people. Given state law and departmental rules, the BOI's description of the criminal history information as "sensitive" is an accurate characterization. In contrast, Petitioner's portrayal of this information as "public record information" is disingenuous and contrary to law and regulation. In any event, Petitioner's civilian conviction, and the investigation it was based on, amply support the BOI's unanimous finding that Petitioner was derelict in his performance of his duties by wrongfully disclosing sensitive material. Consequently, any references to that effect in Petitioner's permanent record are appropriate and should not be removed.

e. Petitioner requests that all references to his BOI be removed from his records. Our review of the BOI's proceedings confirms that the Petitioner was afforded all the procedural protections to which he was entitled, and that the BOI's findings were well supported by substantial evidence. Therefore,

Subj: ADVISORY OPINION IN THE CASE OF MAJOR [REDACTED]
[REDACTED] USMCR

references to Petitioner's BOI should not be removed from his permanent record.

4. Effect of the Expungement of Petitioner's Civilian Conviction

a. Petitioner argues that his civilian conviction was "nullified." Accordingly, it is appropriate to consider the legal effect of the "expungement" or "nullification" proceedings in Petitioner's civilian case. After reviewing the California law, California cases, and federal cases, we conclude that Petitioner's expungement does not remove the fact of his conviction, nor erase Petitioner's underlying conduct, both of which provide an appropriate basis for Petitioner's removal from the selection board report.

b. Petitioner sought to have his misdemeanor conviction expunged under a California state law that allows most individuals granted probation to petition a court to set aside the finding of guilty and dismiss the charges. See Cal. Penal Code § 1203.4 (West 1998) (hereafter Section 1203.4). To obtain this benefit, an individual must, among other things, have satisfied all the terms of their probation (i.e. paid any fines or restitution, or completed community service). The apparent purpose of this statute is to encourage people to rehabilitate themselves by giving them a "clean start."

c. However, under the express terms of Section 1203.4, "expungement" does not erase the fact of that Petitioner was convicted. The statute allows an expunged conviction to be presented as evidence in aggravation in any subsequent prosecution. Moreover, that statute requires that the expunged conviction be disclosed in any application for public office, for state or local licenses, and for contracting with the state lottery. Moreover, the expunged conviction may nevertheless bar ownership of certain weapons.

d. California case law makes clear that convictions, although expunged, may nevertheless serve as grounds to suspend or revoke many types of state licenses and bar some types of public office. Below are cases involving expunged convictions and their effect on licenses to practice law and medicine, as well as a case upholding a bar on service as a peace officer.

(1) The California Supreme Court upheld the disbarment of an attorney convicted of a misdemeanor involving moral turpitude despite the conviction being expunged under Section 1203.4. See [REDACTED] 17 Cal. 2d 55 (1941). The court noted that this

Subj: ADVISORY OPINION IN THE CASE OF MAJOR KL [REDACTED]
[REDACTED] USMCR

expungement "should not effect the fact that [REDACTED] guilt has been finally determined according to law [REDACTED]. That final conviction is fact; and its effect cannot be nullified for the purpose here involved." Id. at 61.

(2) Similarly, in [REDACTED] The Board of Medical Examiners the California Supreme Court held that the Board could proceed with disciplinary hearings despite the fact that [REDACTED] conviction for furnishing narcotics to an addict had been expunged under Section 1203.4. 34 Cal. 2d 62 (1949). The Board of Medical Examiners determined that the expungement order did not "remove or wipe out the conviction," and that the conviction was for an "offense of moral turpitude" amounting to "unprofessional conduct." Id. at 63. The Board order [REDACTED] license suspended, and the California Supreme Court affirmed their decision. Id. at 62, 67.

(3) In a case before the California Court of Appeal, a former peace officer sought reinstatement after being terminated based on his expunged conviction of a felony in another state. See [REDACTED] County of Sacramento, 235 Cal. App. 3d 872, 1 Cal. Rptr. 2d 138 (1991). California law barred those with felony convictions from serving as peace officers. The court observed that the purpose of that bar was to preserve the "good character and integrity" of peace officers by prohibiting service by any whom the public might view as "untrustworthy." The court held that [REDACTED] could properly be terminated from his position as a peace officer despite the fact that the conviction was expunged. 235 Cal. App. 3d at 881, 885, 1 Cal Rptr. 2d at 144, 146.

e. "Expungement" based on Section 1203.4 has had a similarly limited effect in federal courts.

(1) A conviction dismissed under Section 1203.4 may still be used to enhance a sentence under federal sentencing law. See United States v. Nichols, 2 F.3d 1159 (9th Cir. 1993); United States v. Cox, 934 F.2d 1114, 1124 (10th Cir. 1991). Similarly, such a dismissed conviction can still be a basis for federal prohibition on the possession of a firearm. See United States v. Tallmadge, 829 F.2d 767 (9th Cir. 1987).

(2) In another federal case, a customhouse broker had his license suspended based on a California conviction later dismissed under Section 1203.4. See [REDACTED] United States Treasury Department, 613 F. Supp. 370 (Ct. Int'l Trade 1985). Federal broker's licenses are conditioned on the broker maintaining "good moral character." Upholding the suspension,

Subj: ADVISORY OPINION IN THE CASE OF MAJOR [REDACTED]
[REDACTED] USMCR

the court found that [REDACTED] convictions, although dismissed under Section 1203.4, [REDACTED] sufficient evidence of [REDACTED] lack of good moral character. The court held:

[S]tate proceedings expunging a record of disreputable conduct cannot affect federal proceedings based on such conduct as expungement does not change the character of the conduct involved.

613 F. Supp. at 373 (citing [REDACTED], 642 F.2d 764 (5th Cir. 1981)).

f. We conclude, therefore, that the fact Petitioner's conviction was dismissed under Section 1203.4, does not bar the Department of the Navy from using the conviction or underlying circumstances to take appropriate administrative or disciplinary action. As the court [REDACTED] stated, the fact that Petitioner's case was dismissed does not change the underlying character of Petitioner's conduct -- a violation of trust. Consequently, whether the conviction was dismissed or not, Petitioner's conduct could appropriately result in administrative separation proceedings or removal from a promotion selection board report.

5. Petitioner's Promotion Removal

a. Petitioner complains that there were procedural irregularities in the process of removing him from the FY97 Lieutenant Colonels Reserve Promotion Selection Board Report. Petitioner seems most concerned about whether a copy of the court expungement order dismissing his conviction was forwarded with his removal package. He alleges that the court expungement order may have been altered or withheld from decision makers.

b. Based on a review of documents and routing sheets in Petitioner's case, the following chronology appears:

15 Aug 96	Petitioner notified of possible removal and given an opportunity to respond
20 Oct 96	Petitioner responds with some 55 pages of supporting documents
12 Dec 96	SJA to CMC forwards package to CMC (via DC/S M&RA)

Subj: ADVISORY OPINION IN THE CASE OF MAJOR [REDACTED]
[REDACTED] 2 USMCR

17 Dec 96	Petitioner asks California municipal court to "expunge his conviction"
6 Jan 97	CMC recommends to SecNav that Petitioner's name be removed from the report
4 Feb 97	Petitioner's faxed undated, court expungement order forwarded to SecNav
4 Feb 97	SecNav recommends removal
19 Mar 97	SecNav memo confirms removal decision despite "expungement"
24 Apr 97	Petitioner refaxes court document (half of page appears cut-off)
24 Apr 97	SecDef recommends removal
30 Apr 97	President approves removal

c. As noted above, Petitioner's faxed, undated court expungement order was forwarded to SecNav's office 4 February 1997. Through an administrative oversight, a copy of the faxed court expungement order and a transmittal memo were not retained by the Military Law Branch. However, our original transmittal memo and the court expungement order were in SecDef files. Moreover, individuals who handled this case recall receiving Petitioner's court document and delivering it to SecNav's staff prior to SecNav's 4 February 1997 decision to recommend removal. SecNav's staff recall receiving the document, understood that it indicated Petitioner's conviction had been expunged, and reported to SecNav that expungement did not change the fact that Petitioner's underlying conduct amounted to a breach of trust warranting Petitioner's removal. SecNav concurred, and later expressly reaffirmed his decision in a 19 March 1997 memorandum.

d. Petitioner complains that the court expungement order forwarded to SecNav was cut-off halfway down the page. He points to a copy that had been cut-off that he received in a FOIA request. SecDef's records reveal the contrary: pertinent decision makers reviewed a complete copy of Petitioner's court expungement order, mooting Petitioner's claim. The cut-off copy in the Military Law Branch's files apparently came from Petitioner who, at our request, refaxed a copy with half cut-off on 24 April 1997.

Subj: ADVISORY OPINION IN THE CASE OF MAJOR [REDACTED]
[REDACTED] USMCR

e. In summary, Petitioner was afforded full opportunity to comment on his potential removal from the selection board report. Petitioner submitted some 55 pages of documents to contest his removal, and his later fax submission of his court expungement order was also joined to the package. After due consideration of Petitioner's case, and upon the recommendations of SecNav and SecDef, the President properly exercised his discretion to remove Petitioner from the selection board report.

6. Conclusion. We conclude there is no error or injustice regarding Petitioner's BOI. We also conclude that the fact of Petitioner's conviction and its underlying criminal conduct remain even though the conviction has been "expunged." Finally, we conclude that Petitioner was afforded the appropriate opportunity to respond to the removal action and that his response received due consideration. As to these issues, Petitioner suffered no error or injustice and merits no corrective action.

[REDACTED]
Lieutenant Colonel
U.S. Marine Corps
Head, Military Law Branch
By direction of the
Commandant of the Marine Corps



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

8993-97
IN REPLY REFER TO:

1070
MIF
MAR 16 1998

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF MAJOR [REDACTED]

1. We review [REDACTED] application and supporting documents concerning his request that:

- a. The page 11 entries dated 920712 and 931013 be void from his official record.
- b. Any and all reference to the 1994 BOI and subsequent derogatory comments including reference in his OMPF resulting from the FY97 LtCol removal review be deleted.

We also reviewed the Staff Judge Advocate of the Marine Corps' Memorandum for the Executive Director, Board for Correction of Naval Records advisory opinion dated 5 Mar 1998.

2. MCO P1070.12, Marine Corps Individual Records Administrative Manual (IRAM), authorized commanders to make entries on page 11 considered essential to document an event in the Marine's career for which no other means or method of recording exist.

- a. The counseling entry dated 920712 meets the standards for counseling in that it lists: specific deficiency, recommendations for corrective action, and where assistance could be found to correct deficiencies. The following comments are provided concerning this entry:

- (1) A review of the Marine Corps Total Force System (MCTFS) indicates that Major [REDACTED] on the weight control program from 920712 (same date as counseling entry for failing to maintain Marine Corps weight control standards) to 950420 (documentation attached).

- (2) [REDACTED] indicated upon signing the counseling entry he desired to submit a statement in rebuttal. There is no documentation of such statement in his OMPF nor his attachments to his BCNR request.

- (3) Numerous medical entries noted in enclosure (1) to his BCNR request refer to waiver being requested/in progress for alternate weight standard prior to the actual approval date of 950420.

(4) The Commanding General, Marine Corps Reserve Support Command did approve an alternate weight limit of 218 pounds on 20 April 1995, which removed [REDACTED] from the weight control program (enclosure (1) [REDACTED]'s letter dated 9 Oct 97 attached to the BCNR request.

b. MCO P100R.1G, paragraph 2201.2d, Marine Corps Reserve Administrative Management Manual (MCRAMM) directed that a page 11 entry would be made stating the reason for involuntary transfer to the Individual Ready Reserve (IRR). This entry is also in accordance with the IRAM.



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

8993-977

1600
IN REPLY REFER TO:
MMAA-4
20 Mar 98

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR PETITION FOR MAJOR [REDACTED] M
[REDACTED] USMCR

Ref: (a) MMER Request for Advisory Opinion in the case of
[REDACTED]
USMCR of 8 Jan 98

1. Recommend disapproval [REDACTED]'s request for removal of his failures of selection *unless* the adverse material is removed from his record.

2. We reviewed [REDACTED]'s record and his petition. The FY97 Reserve Lieutenant Colonel Selection Board selected Major Graham [REDACTED] for promotion. However, the post board screening for adverse material revealed a September 1992 civil conviction that was not documented in [REDACTED]'s record. Based on the nature of the adverse material, the Commandant of the Marine Corps, the Secretary of the Navy, and the Secretary of Defense recommended to the President that [REDACTED]'s name be removed from the promotion list. The President approved removal. Subsequently, the adverse material was added to [REDACTED]'s record. With the adverse material in the record, [REDACTED] failed selection on the FY98 board. [REDACTED] requests removal of the adverse material from his record based on a civil court expunging his conviction. The Commandant of the Marine Corps (JAM-3) reviewed the record and recommended disapproval of the request. [REDACTED] further requests the removal of entries made in his Officer Qualification Record (OQR) and in the Total Force database record documenting his placement on weight control from 1992 to 1995. The Commandant of the Marine Corps (MIF) reviewed the request and recommended disapproval. Predicated on removal of the derogatory documentation, [REDACTED] requests removal of his failures of selection.

4. If the adverse material concerning the civil conviction were not in the record, [REDACTED] would now be a Lieutenant Colonel. His FY97 selection applies. However, as evidenced by his removal from the FY97 promotion list and his failure of selection on the FY98 board, the adverse material documenting his civil conviction represents significant competitive jeopardy. Unless the adverse material is removed from the record, we do not believe [REDACTED] is competitive for promotion.

8993-97

Subj: BCNR PETITION FOR MAJOR [REDACTED]
[REDACTED] USMCR

5. We do not believe that the OQR and Total Force database entries documenting [REDACTED]'s placement on weight control were considered by the FY97 and FY98 promotion boards. Our review of [REDACTED]'s Official Military Personnel File (OMPF) did not reveal any mention of his placement on weight control. OQR documents and Total Force entries would not normally be seen by a promotion board unless submitted by an individual officer. Further, there is nothing in [REDACTED]'s record to suggest a problem with personal appearance. [REDACTED] has not received a single less-than-outstanding Section B marking in personal appearance his entire career.

[REDACTED]
R. E. [REDACTED]
Major, U. S. Marine Corps
Head, Officer Career Counseling and
Evaluation Section
Officer Assignment Branch
Personnel Management Division



DEPARTMENT OF THE NAVY
DEPUTY NAVAL INSPECTOR GENERAL FOR MARINE CORPS MATTERS/
INSPECTOR GENERAL OF THE MARINE CORPS
WASHINGTON, D.C. 20380-1775

8993-97

5370
IGA
6 Apr 98

[REDACTED]
[REDACTED]
[REDACTED]
Dear [REDACTED]

This responds to your 9 October 1998 letter to the Department of Defense Inspector General, forwarded to the Inspector General of the Marine Corps, and addresses your concerns of alleged improper removal from the FY97 Lieutenant Colonel (USMCR) Selection Board Report.

A review of Secretary of Defense files confirmed that a complete, unaltered copy of the court document in question was included in your appellate package which was submitted to the Secretary of the Navy, Secretary of Defense, and the President. The Secretary of the Navy, in his forwarding endorsement, expressly reaffirmed that his decision was made "... in spite of Major [REDACTED] 'expunged' conviction."

It was further determined that the "expunging" of your conviction had little import in the decision to remove you from the promotion list. Under either California or federal law, the "expungement" does not change the fact that you were convicted of a crime, nor does it change the underlying circumstances that led to your conviction. Federal authorities may take appropriate disciplinary or administrative action based on either the conviction or the underlying circumstances, notwithstanding the court's expungement order.

In conclusion, your allegations that your removal from the promotion list was improper, predecisional, and without full appellate review were not substantiated. A thorough review of documents and law show that pertinent decision makers reviewed a complete copy of your appellate package and acted appropriately in removing your name from the FY97 Lieutenant Colonel (USMCR) Selection Board Report. Should you desire to continue to appeal this decision, as well as the other items of requested relief listed in your letter, the appropriate venue to pursue that redress is through the Board for Correction of Naval records. The attached forms will assist you in that pursuit.

[REDACTED]
[REDACTED]
[REDACTED]
Lieutenant Colonel, U. S. Marine Corps
Deputy Director
Assistance and Investigations Division

8993-97

MEMORANDUM FOR THE RECORD
DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
PERFORMANCE SECTION
2 NAVY ANNEX, STE. 2432
WASHINGTON, DC 20370-5100
COMM: (703) 614-9842 OR DSN: 224-9842
FAX: (703) 614-9857 OR 224-9857

DATE: 13DEC99

DOCKET NO: 8993-97

PETITIONER (PET): [REDACTED] USMCR

PARTY AND AGENCY CALLED [REDACTED]

TELEPHONE NO: (703) 614-9842

WHAT I SAID: [REDACTED] IF PET HAD EVER FILED A DODIG COMPLAINT.

WHAT PARTY SAID: [REDACTED] INFORMED ME THAT THE DODIG HAD RECEIVED A COMPLAINT, HOWEVER, THEY GAVE COGNIZANCE OF THE INVESTIGATION TO THE USMCIG. THE USMCIG INVESTIGATED PET'S ALLEGATIONS AND FOUND NO MERIT, AND THE DODIG CONCURRED WITH THE USMCIG'S FINDING.

[REDACTED]